REMARKS

The present amendment and remarks are in response to the Non-Final Office Action entered in the above identified case and mailed on September 15, 2010. Claims 1-28 are pending in the application. Claims 1-23 and 26-28 stand rejected under 35 U.S.C. §101 as being directed toward non-statutory subject matter. Further, all of the pending claims stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,165,226 to Thurner et al. (hereinafter "Thurner"). With respect to the rejection of claims 1-23, and 26-28 under 35 U.S.C. §101 Applicants have amended independent claims 1, 11, and 28 to more clearly describe patentable subject matter. With regard to the rejection of claims 1-25 under 35 U.S.C. §102(e), Applicants have amended independent claims 1 11, and 24 to more clearly distinguish the invention over the cited reference. With regard to the rejection of claims 26-28 under 35 U.S.C. §102(e), Applicants respectfully traverse.

Rejections under 35 U.S.C. §101

With regard to claims 1-10 the Examiner objects that the phrase "a computer readable medium" could relate to a communication medium, which is non-statutory subject matter. Applicants have amended independent claims 1 and 26 to call for "A computer readable storage medium." A computer readable storage medium precludes a communication channel. Therefore, amended claims 1 and 26 as well as dependent claims 2-10 and 27-28 now recite statutory subject matter.

With regard to claims 11-23, the Examiner objected that a user interface is software per se. Further, the Examiner objected that a computer readable medium could be a communication medium which is non-statutory subject matter. Again applicants have amended independent claim 11 to set forth statutory subject matter. Claim 11 calls for a user interface system for a process plant. Clearly, a user interface system suggests hardware. Claim 11 has been amended to include a computer processor. Furthermore, a computer readable storage medium has computer readable instruction stored thereon. When executed by the processor the computer executable instructions provide a graphic display editor, a conversion engine and a graphics rendering engine. Amended claim 11 clearly relates to a system that now includes a number of actual components. It cannot be said that the claimed interface system relates only to software per se. Accordingly, claims 11-23 all now recite statutory subject matter according to the requirements of 35 U.S.C. §101.

Rejections under 35 U.S.C. §102(e)

Claims 1-28 were rejected as being anticipated by Thurner. For a claim to be anticipated under 35 U.S.C. §102 each and every element must be found in a single prior art reference. With this response Applicants have amended independent claims 1, 11, and 24 to include features that are not disclosed by Thurner. Furthermore, independent claim 26 as originally filed includes features not disclosed by Thurner. Therefore, amended claims 1, 11, 24, and originally filed claim 26 as well as all of the claims depending therefrom are not anticipated by Thurner and should be allowed.

As presently amended independent claim 1 now calls for an object entity that includes, among other things, a second portion identifying a data source for data indicative of on-line operation of the process plant element depicted by graphics defined by a first portion of the object entity, wherein data indicative of the on-line operation of the process plant element is retrieved from a data source when the graphics for the depiction of the process plant element are rendered so that the depiction of the process plant element is displayed via the user interface in a manner indicative of the on-line operation of the process plant element. This feature is not disclosed by Thurner.

Thurner never describes retrieving data indicative of the online operation of a process plant element from a data source when graphics are rendered. Nor does Thurner teach displaying a depiction of the process plant element via a user interface in a manner indicative of the on-line operation of the process plant element. Because Thurner does not teach these features of amended claim 1, amended claim 1 and claims 2-10 depending therefrom are not anticipated by Thurner and should be allowed.

With regard to claims 11-23, Applicants have amended claim 11 and canceled claims 20 and 23. Claim 11 now calls for a user interface system that includes, among other things, a computer processor, a computer display device, and a computer-readable storage medium having computer executable instructions stored thereon which, when executed by the computer processor, provide a graphic display editor, a conversion engine and a graphics rendering engine. The conversion engine generates commands in accordance with a further declarative language based on graphics-related information of the configuration information and generates a data source file from the configuration information for the process graphic

display that identifies a data source for data to be displayed in connection with the graphic display element.

According to the Examiner Thurner teaches "a user interface system further comprising a conversion engine to generate the commands in accordance with a further declarative language based on graphics-related information of the configuration information" at col. 3, lines 43-47. The cited passage, however, merely describes Workbench tools that may be used for building and modifying Data Structures and Dataflow diagrams. An Object Designer provides graphical design of objects in a number of different views. The different views include a Tree view, a Table view, an XML view and an HTML view. This passage teaches nothing resembling a conversion engine that generates commands in accordance with a further declarative language based on graphics-related information in the configuration information for the process graphic display.

Further according to the Examiner, Thurner teaches a user interface system "wherein the conversion engine further generates a data source reference file from the information for the process graphic display that identifies a data source for data to be displayed in connection with the graphic display element" at col. 2, lines 55-65. Again, however, the cited passage teaches no such thing. Here the cited passage describes a number of display areas in which different graphical views of a manufacturing system are displayed. In particular, the passage describes a tree browser of the system, an editor for distributed workflows and/or data flows, a Web Based HMI GUI and a treeview of the basic objects used to construct a system that are displayed in a Fig. 3a. According to the passage, other views that are not shown enable the visualization, design and modification of business objects and business process, runtime GUIs, electrical and mechanical construction the plant, diagnostics, maintenance, scheduling, information management, PLC-programming, batch design, recipe management, object mappings and project deployments. Again, the cited passage is completely devoid of any reference to a conversion engine that generates a data source reference file from the configuration information for the process graphic display and that identifies a data source for data to be displayed in connection with the graphic display element.

Because Thurner does not teach these features of amended independent claim 11, claim 11 and dependent claims 12-19, 21 and 22 are not anticipated by Thurner and should be allowed.

Next we turn to the rejection of claims 24 and 25 as being anticipated by Thurner. Applicants have amended independent claim 24. Claim 24 now calls for, among other things, a step of automatically updating a plurality of instances of a composite graphical element by modifying the object and propagating the modification to the plurality of instances of the composite graphical element, thereby causing each of the plurality of instances of the composite graphical element to reflect the modification. In rejecting claim 24 the Examiner pointed to Thurner col. 3, lines 43-47 as teaching "automatically updating the plurality of instances of the composite graphical element by modifying the object. According to the Examiner Thurner's Workbench contains a number of tools for building and modifying the Data Structures and Dataflow diagrams. Further according to the Examiner the cited passage teaches that an Object designer provides a graphical design of objects in a number of different views, including Tree, Table, XML, and HTML views.

Applicants, however, cannot understand the relationship between the features of Thurner recited by the Examiner and the elements of claim 24 of the present application which they are cited against. The tools for building and modifying Data Structures and Data flows teach absolutely nothing about automatically updating a plurality of instances of a composite graphical element by modifying a single base object and propagating the modification to all the other instances of the composite graphical element so that each instance of the composite graphical element reflects the modification. Similarly, an Object designer providing graphical design of objects in a number of different views also has no relevance to the features of the present invention as claimed in claim 24. Accordingly, amended claim24 and claim 25 which depends therefrom are not anticipated by Thurner and should be allowed.

Finally, we turn to the rejection of claims 26-28. Independent claim 26 as originally filed calls for an object entity that includes a graphics portion, a parameters portion and a navigation portion. The graphics portion, the parameters portion and the navigation portion are all stored discretely on a computer-readable storage medium.

At minimum Thurner does not teach a navigation portion as called for in claim 26.

According to independent claim 26 the navigation portion identifies data sources for content to be displayed in connection graphics defined in the graphics portion. The Examiner points to Thurner col. 3, lines 30-35 as teaching this feature. Thurner col. 3, lines 30-35,

however, merely describes Script Editors (e.g. VBScript, JScript) which are accessed through a Tools Interface Pane. This statement has absolutely no relevance to a navigation portion identifying data sources for content to be displayed in connection with graphics. Data sources are never mentioned. Displaying content in connection with graphics is not mentioned. Thurner simply does not teach an object entity having a navigation portion that identifies data sources for content to be displayed in connection with graphics defined in a graphics portion. Since Thurner does not teach this feature of the claimed invention, claims 26-28 are not anticipated under 35 U.S.C. §102(e) and should be allowed.

CONCLUSION

For the foregoing reasons Applicants submit that all of the remaining claims are now in condition for allowance. The Commissioner is hereby given authorization to charge any fees or credit any overpayments to Deposit Account No. 13-2855 of Marshall, Gerstein & Borun, LLP under Order No. 06005/41127.

Should the examiner wish to discuss any of the foregoing comments or any claim amendments deemed necessary to gain allowance, applicants kindly request that the Examiner contact Applicant's attorney by telephone at the number provided below.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By /Jeffrey H. Canfield, 38,404/
Jeffrey H. Canfield
   Registration No.: 38,404
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive
6300 Willis Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant

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